

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

LLEWELYN NELSON,

Plaintiff,

V.

TENNESSEE COLLEGE OF APPLIED
TECHNOLOGY,

Defendant.

No. 2:21-cv-02255-TLP-tmp

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Llewelyn Nelson sued Tennessee College of Applied Technology (“TCAT”) over alleged employment discrimination. (ECF No. 1.) After this Court dismissed the case, the Sixth Circuit reversed and remanded the case. (*See* ECF Nos. 30, 31, 36, 37.) TCAT then moved for summary judgment. (ECF No. 59.) Chief Magistrate Judge Pham entered a Report and Recommendation (“R&R”) suggesting this Court deny the summary judgment motion. (ECF No. 74.) Neither side objected to his R&R and the time to do so has passed.¹

LEGAL STANDARD

As Judge Pham did here, a magistrate judge may submit to a district court judge proposed findings of fact and a recommended ruling on certain pretrial matters, including whether to dismiss a case on summary judgment. 28 U.S.C. § 636(b)(1)(A)–(B). And “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file

¹ At a recent status conference, the parties announced they were planning to go to trial on this case on October 7, 2024. (ECF No. 75.)

specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); *see also* 28 U.S.C. § 636(b)(1). When neither party objects, then a district court reviews an R&R for clear error. Fed. R. Civ. P. 72, advisory committee notes. And the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

Judge Pham entered his R&R on May 24, 2024. (ECF No. 74.) Since neither party objected here, the Court reviews the R&R for clear error.

DISPOSITION

After reviewing the record and the R&R, the Court finds that Judge Pham’s factual finding and his conclusions are supported by the record. This Court finds no clear error. The Court therefore **ADOPTS** Judge Pham’s R&R and **DENIES** TCAT’s motion for summary judgment.

SO ORDERED, this 6th day of August, 2024.

s/Thomas L. Parker

THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE